

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

Jason Alan Johnson,	)	C/A No. 4:11-2700-JFA-TER
	)	
Plaintiff,	)	
	)	
v.	)	ORDER
	)	
Ofc. Winker; Freddie Arwood; Richard Martin;	)	
Gary Davies; Bryce Bryant; Ind. Capacities;	)	
and York County Detention Center,	)	
	)	
Defendants.	)	
_____	)	

The *pro se* plaintiff, Jason Alan Johnson, brings this action pursuant to 42 U.S.C. § 1983 claiming violations of due process rights and alleged subjection to cruel and unusual punishment by the defendants. The plaintiff is a pretrial detainee at the York County Detention Center (YCDC).

The Magistrate Judge assigned to this action<sup>1</sup> has prepared a Report and Recommendation wherein he suggests that this court should summarily dismiss this action without prejudice. Specifically, the Magistrate Judge opines that the plaintiff's claims are not sufficient to state a constitutional deprivation under § 1983 and that defendant YCDC is not a "person" amenable to suit under § 1983. The Report sets forth in detail the relevant facts and standards of law on this matter, and the court incorporates such without a recitation

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<sup>1</sup> The Magistrate Judge's review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report to which specific objection is made and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

and without a hearing.

The plaintiff was advised of his right to file objections to the Report and Recommendation, and he has done so in a two-page objection memorandum. The court has carefully reviewed the objections and finds them to be without merit and generally repetitive of those claims raised in his original complaint. As such, they are overruled.

After a careful review of the record, the applicable law, the Report and Recommendation, and the objections thereto, the court finds the Magistrate Judge's recommendation to be proper and incorporates the Report herein by reference. Accordingly, this action is dismissed without prejudice and without issuance and service of process.

IT IS SO ORDERED.

December 6, 2011  
Columbia, South Carolina

A handwritten signature in black ink, reading "Joseph F. Anderson, Jr." in a cursive script.

Joseph F. Anderson, Jr.  
United States District Judge